

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JOSE BAUTISTA,

Plaintiff,

DOCKET NO.: 13-CV-08189  
AKH-JCF

-against-

THE CITY OF NEW YORK, NEW YORK CITY DEPARTMENT OF CORRECTION; C.O. DAIN DEALLIE, Shield 18770 in his individual and official capacity; C.O. MARVIN CHARLES, Shield 17619 in his individual and official capacity; C.O. KEVIN BARNABY Shield 177767 in his individual and official capacity; C.O. FITZGERALD DAVID Shield 5802 in his individual and official capacity; C.O. RAMOS, Shield 17575 in his individual and official capacity; C.O. RAYON SIMMONDS, Shield 9320 in his individual and official capacity; CAPTAIN GABRIELLA SMALLS, Shield 5802 in her individual and official capacity; WARDEN CARLTON NEWTON, in his individual and official capacity; CAPTAIN McCLEOD, Shield 1653 in his individual and official capacity; WARDEN THOMAS HALL in his individual and official capacity; WARDEN DANIELLE JOHNSON in her individual and official capacity; CARMINE LABRUZZO in his individual and official capacity; MICHAEL HOURIHANE in his individual and official capacity; LARRY DAVIS, SR., in his individual and official capacity; ASSISTANT COMMISSIONER SABINA BLASKOVIC, in her individual and official capacity; RUBEN BENITEZ, Shield 27, in his individual and official capacity; SEAN JONES, Shield 16 or 65 in his individual and official capacity; EVELYN A. MIRABAL in her individual and official capacity; DEPUTY COMMISSIONER THOMAS BERGDALL in his individual and official capacity; ASSISTANT COMMISSIONER DIANA LOGAN, in her individual and official capacity; DORA SCHRIRO in her individual and official capacity; FLORENCE FINKLE in her individual and official capacity; C.O.s JOHN DOE 1 through C.O. JOHN DOE 10 in their individual and official capacity; and NEW YORK CITY DEPARTMENT OF CORRECTIONS SUPERVISORY OFFICERS FIRST NAME UNKNOWN and LAST NAME UNKNOWN in their individual and official capacity

Defendants.  
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**DECLARATION OF FREDERICK K. BREWINGTON  
IN SUPPORT OF PLAINTIFF'S MEMORANDUM OF LAW  
IN OPPOSITION TO DEFENDANTS'  
MOTION FOR SUMMARY JUDGMENT**

I, **FREDERICK K. BREWINGTON**, declare under the pains and penalties of perjury pursuant to 28 U.S.C. §1746, that the following statements are true and correct, to the best of my knowledge:

1. I am one of the attorneys representing Plaintiff **JOSE BAUTISTA**. I submit this Declaration in support of Plaintiff's Memorandum of Law and Supporting Papers in Opposition to Defendants (collectively "Defendants") Motion for Summary Judgement on the claims of Plaintiff.
2. **Attached as Exhibit A** is a true and accurate copy of , Jose Bautista Deposition (3/10/15).
3. **Attached as Exhibit B** is a true and accurate copy of Thomas Bergdall Deposition (6/7/15).
4. **Attached as Exhibit C** is a true and accurate copy of Florence Finkle Deposition (7/7/15).
5. **Attached as Exhibit D** is a true and accurate copy of Notice of Claim (3/27/13).
6. **Attached as Exhibit E** is a true and accurate copy of Third Amended Complaint (6/9/14).
7. **Attached as Exhibit F** is a true and accurate copy of New York City Department of Correction, Investigation Division, Closing Report (2/4/14).
8. **Attached as Exhibit G** is a true and accurate copy of Chief Medical Examiner's Reports, Bates Stamp No. DEF 294 and 295.
9. **Attached as Exhibit H** is a true and accurate copy of CRIPA Investigation of the New York City Department of Correction Jails on Rikers Island (8/4/14).
10. **Attached as Exhibit I** is a true and accurate copy of Investigative Case Log.

11. **Attached as Exhibit J** is a true and accurate copy of Injury to Inmate Reports by P.A. Harris and Cpt. Smalls.
12. **Attached as Exhibit K** is a true and accurate copy of Video Transcript by Investigator Garcia (1/11/13).
13. **Attached as Exhibit L** is a true and accurate copy of Jose Bautista Intake Physical (1/11/13).
14. **Attached as Exhibit M** is a true and accurate copy of Photographs of Jose Bautista's Injuries (1/24/13).
15. **Attached as Exhibit N** is a true and accurate copy of Emails from January 24, 2013 re: BAUTISTA JOSE amkc.
16. **Attached as Exhibit O** is a true and accurate copy of DOC Directive re: Injury to Inmate Reports (02/21/97).

Dated: Hempstead, New York  
July 22, 2016

Respectfully submitted,

LAW OFFICES OF  
FREDERICK K. BREWINGTON

By:

  
FREDERICK K. BREWINGTON

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